

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEXTER E. DALE,)	No. C 05-1842 JSW (PR)
)	
Plaintiff,)	ORDER GRANTING
vs.)	DEFENDANT FERNANDEZ'S
)	REQUEST FOR EXTENSION
)	OF TIME TO FILE
L. FERNANDEZ and L. LOUGH,)	DISPOSITIVE MOTION
)	
Defendants.)	(Docket no. 4)
_____)	

In an order dated November 8, 2005, the Court directed the United States Marshal to serve Plaintiff's civil rights complaint on Defendants Fernandez and Lough. The Court ordered that Defendants file dispositive motions within sixty days from the date of the order, or January 9, 2006. Counsel for Defendant Fernandez has filed a request for an extension of ninety days to file a dispositive motion because Defendant Fernandez was not served until December 15, 2005, the pleadings were not received by counsel's office until December 22, 2005, and counsel, who was away for the holidays, did not receive the pleadings until January 3, 2006. Counsel further states that before preparing a dispositive motion he must seek a relief from Plaintiff to obtain Plaintiff's medical file, which could take some time.


Good cause appearing, the motion for extension of time is GRANTED. Defendant

1 Fernandez shall file his dispositive motion, or notice to the Court that he does not intend
2 to file a dispositive motion, on or by **April 9, 2006**. Plaintiff shall file his opposition to
3 the dispositive motion on or by **May 9, 2006**, and Defendant shall file any reply on or by
4 **June 9, 2006**. The motion will be deemed submitted for the Court's review on the date
5 the reply is due.

6 Finally, the Court notes that the summons served on Defendant L. Lough was
7 returned to the Court unexecuted on December 21, 2005. This action cannot proceed
8 against Defendant Lough until he has been served. Therefore, Plaintiff must notify the
9 Court within **twenty days** from the date of this order of his continued intent to pursue this
10 matter against Defendant Lough and provide the Court with all information necessary for
11 the United States Marshal to make a further attempt at service. The failure to do so will
12 result in the dismissal of Defendant Lough from this action.

13 IT IS SO ORDERED.

14 DATED: __1/10/06_____



JEFFREY S. WHITE
United States District Judge